

08.01.2024

66
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4636 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangajal Ghati** Police Station Case No. **89** of **2023** dated **30.06.2023** under Sections 341/323/325 of the Indian penal Code read with Section 307/506/34 of the Indian Penal Code.

And

In Re : Brojobasi Mondal @ Brajabasi Mondal & Ors.
..... petitioners

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Neelanjana Ghorai
Ms. Sarmistha Basak
....for the petitioner

Mr. Rudradipta Nandy
Mr. Iqbal Kabir
...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioners were enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

We find that six persons suffered injuries in the incident of assault. Injuries of five persons are classified as simple hurt.

One injury report was classified initially at simple. Thereafter it was scrolled out and stated to be grievous hurt.

We perused the injury report of the person who is stated to suffer grievous hurt. We find that the injuries were sustained to assault by bamboo stick and fist blows. The assault was on the thai, back and abdomen. Cut injuries were not noted. Such injured did not suffer any fracture.

We doubt as to whether the nature of injuries noted can be classified as grievous hurt.

In such circumstances, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)